

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig 5B. The sheet, which includes Figs.5A, 5B and 3, replaces the original sheet containing Figs. 5A, 5B and 3. In Fig. 5B, the second occurrence of reference number 520 has been changed to 522 and original reference numbers 522, 524 and 526 have been changed to 524, 526 and 528, respectively.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

The specification has been amended to correct typographical errors noted therein. No new matter has been added by any of the amendments.

Figure 5B of the drawings has been amended to correct reference numbers therein to provide proper correspondence with the specification. A corrected drawing sheet and an annotated drawing sheet showing the corrections are attached hereto.

Claims 1-26 are pending in the present application. Claims 1, 4-8, 11 and 20 were amended. No claims have been added or canceled. Applicants have carefully considered the cited art and the Examiner's comments and believe claims 1-26 patentably distinguish over the cited art and are allowable in their present form. Reconsideration of the rejection is, accordingly, respectfully requested in view of the above amendments and the following comments.

I. 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claim 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

The Office Action states:

Claim 7 recites the limitation "said first semantic tree". There is insufficient antecedent basis for this limitation in the claim.

Office Action, dated July 26, 2006, page 2.

Claim 7 as amended herein is as follows:

7. The device of Claim 1, wherein said processor is further configured for updating ones of said first set of ratings by merging, for each item, a second semantic tree from said second set of ratings into a first semantic tree from said first set of ratings, then calculating a new weighted rating based on said first semantic tree.

As will be noted, the claim recites "a first semantic tree" in line 3 above, and "said first semantic tree" in the last line. Accordingly, the phrase "said first semantic tree" has proper antecedent basis, and the claim fully satisfies the requirements of 35 U.S.C. § 112, second paragraph.

Therefore the rejection of claim 7 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 103, Obviousness (Claims 1-12, 15-21 and 24-26)

The Examiner has rejected claims 1-12, 15-21 and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2004/0002920 A1 to Prohel et al. (hereinafter "Prohel") and U.S. Patent No. 6,631,184 B1 to Weiner (hereinafter "Weiner"). This rejection is respectfully traversed.

In rejecting the claims, the Office Action states:

As per independent claim 1 Prohel teaches:

a processor (Figure 6, paragraph 59, processor);
a memory connected to said processor (Figure 6);
an input device connected to said processor (paragraph 18, PDA, mobile phone, portable computer);
an output device connected to said processor (paragraph 18, PDA, mobile phone, portable computer);
and a short-range transceiver connected to said processor, said processor, said memory, said input device, said output device, and said transceiver being contained within a case configured for portability (paragraph 18, PDA, mobile phone, portable computer and paragraph 17, lines 6-8, wireless communication);
said processor being configured for receiving, from said input device, a first set of ratings for . . . subject (paragraph 19-20, user history information editor to associate ratings and comments concerning digital content), receiving, through said transceiver, a second set of ratings for . . . (paragraph 28, review received digital content having associated user history information) updating ones of said first set of ratings by merging with corresponding ones of said second set of ratings (paragraph 30, aggregate ratings).

Prohel does not explicitly teach "ones of plurality of subjects". Weiner does teach this limitation at column 2, lines 54-column 3, line 7, providing ratings and feed back with regard to products and services based on communities to enable users to receive ratings and feedback on products and services of interest at column 5, lines 5-10. It would have been obvious to one of ordinary skill in the art to modify Prohel with a plurality of subjects to enable users to receive ratings and feedback on products and services of interest at column 5, lines 5-10.

Office Action dated July 26, 2006, pages 3-4.

Claim 1, as amended herein, is as follows:

1. A device for collecting ratings on a plurality of subjects, said device comprising:
a processor;
a memory connected to said processor;
an input device connected to said processor;
an output device connected to said processor; and
a short-range transceiver connected to said processor, said processor, said memory, said input device, said output device, and said transceiver being contained within a case configured for portability; said processor being configured for:
receiving, from said input device, a first set of ratings for ones of a plurality of subjects,
receiving, through said transceiver, a second set of ratings for ones of said plurality of subjects, and

updating ones of said first set of ratings by merging with corresponding ones of said second set of ratings.

Applicants respectfully submit that neither Prohel nor Wiener nor Prohel in view of Weiner discloses or suggests a device for collecting ratings on a plurality of subjects that includes a processor configured for receiving a first set of ratings for ones of a plurality of subjects from an input device, for receiving a second set of ratings for ones of said plurality of subjects through a transceiver, and then “updating ones of said first set of ratings by merging with corresponding ones of said second set of ratings” as recited in claim 1; and that claim 1 patentably distinguishes over Prohel in view of Wiener in its present form.

Prohel is directed to a mechanism for distributing digital content, such as music, literature, film, pictures, etc., between individuals in a peer-to-peer network environment. In Prohel, user history information is attached to the digital content. The user history information may include, among other information, a user quality rating, which is a “subjective value assigned by a user of the digital content, which indicates a subjective quality of the digital content”. (See paragraph [0020] of Prohel.)

In rejecting the claims, the Examiner refers to paragraph [0030] of Prohel as disclosing “updating ones of said first set of ratings by merging with corresponding ones of said second set of ratings”. Paragraph [0030] of Prohel is as follows:

[0030] The user of device 10 may also view an aggregate rating of the received digital content based upon a weighed average rating of the previous users of the digital content. To some, the aggregate content rating is likely to be more accurate or useful than any one user quality rating, which might include personal or subjective feelings.

The above paragraph recites only that a rating of digital content received by a user may be an aggregate rating based upon a weighted average rating of previous users of the digital content. Claim 1, on the other hand, specifies that the processor of the device is configured for receiving a first set of ratings for ones of a plurality of subjects from an input device, receiving a second set of ratings for ones of the plurality of subjects through a transceiver, and updating ones of the first set of ratings by merging with corresponding ones of the second set of ratings. In Prohel, any received rating information has already been aggregated. The reference does not disclose or suggest that a processor in the device is configured for “updating ones of said first set of ratings [for ones of a plurality of subjects received from an input device] by merging with corresponding ones of said second set of ratings [for ones of said plurality of subjects received from a transceiver]”.

Weiner does not supply the deficiencies in Prohel. Weiner is directed to a mechanism by which rating information can be entered into a database by different users so that it may be accessed by other users. The Examiner cites Weiner as explicitly teaching “ones of plurality of subjects” as recited in claim 1, and asserts that it would have been obvious to modify Prohel with a plurality of subjects to enable users

to receive ratings and feedback on products and services of interest. However, Weiner also does not disclose or suggest a processor in a device that is configured for “updating ones of said first set of ratings by merging with corresponding ones of said second set of ratings” as recited in claim 1.

For at least all the above reasons, claim 1 is not obvious over Prohel in view of Weiner, and patentably distinguishes over the references in its present form.

Claims 2-9 depend from and further restrict claim 1 and also patentably distinguish over Prohel in view of Weiner, at least by virtue of their dependency. Furthermore, many of these claims recite additional subject matter that is not disclosed or suggested by the references. For example, claim 4 depends from claim 1 and recites that the processor is further configured for “receiving, from said input device, a first set of indications of interest regarding additional ones of said plurality of subjects, whereby receipt of ratings is triggered for said additional ones of said plurality of subjects by said first set of indications of interest”.

In rejecting claim 4, the Examiner states:

As per claim 4, same as claim arguments above and Weiner teaches: further comprising receiving, from said input device, a first set of indications of interest regarding additional ones of said plurality of subjects, whereby receipt of ratings is triggered for said additional ones of said plurality of subjects by said first set of indications of interest (column 10-15, create new category, column 9, lines 6-14, retrieve ratings/feedback).

Office Action dated July 26, 2006, page 5.

Column 9, lines 6-14 of Weiner reads as follows:

FIG. 4 depicts a Feedback/Rating Retrieval Interface 130, which, in a preferred embodiment, is a digitized form accessible over a wireless terminal, enabling a user to retrieve stored feedback/rating information for a particular item or group of items. Retrieval Interface 130 enables a user to retrieve both qualitative feedback and quantitative rating and feedback from feedback/ratings server 22 (shown in FIG. 1).

The above recitation does not disclose a processor that is configured for receiving a first set of indications of interest regarding additional ones of the plurality of subjects from an input device, nor does it disclose that “receipt of ratings is triggered for said additional ones of said plurality of subjects by said first set of indications of interest”. Claim 4, accordingly, patentably distinguishes over Prohel in view of Weiner in its own right as well as by virtue of its dependency.

Claim 7 depends from and further restricts claim 1 and recites that “said processor is further configured for updating ones of said first set of ratings by merging, for each item, a second semantic tree from said second set of ratings into a first semantic tree from said first set of ratings, then calculating a new weighted rating based on said first semantic tree”. In rejecting claim 7, the Examiner states:

As per claim 7, same as claim arguments above and [Prohel] teaches: wherein said processor is configured to update ones of said first set of ratings by merging, for each item, a second semantic tree from said second set of ratings into a first semantic tree from said first set of ratings, then calculating a new weighted rating based on said first semantic tree (paragraph 30).

Office Action dated July 26, 2006, page 6.

Paragraph [0030] of Prohel has been reproduced above, and nowhere discusses semantic trees or merging a second semantic tree into a first semantic tree. Only the present application contains such disclosure, and claim 7 also patentably distinguishes over the references in its own right as well as by virtue of its dependency.

The subject matter of at least dependent claims 5 and 6 is also not disclosed or suggested by the references and patentably distinguishes over the references in their present form.

Independent claim 10 is as follows:

10. A method of collecting ratings on a plurality of subjects, said method comprising the steps of:
- storing, on a portable computing device, a first set of ratings for ones of a plurality of subjects and a first set of indications of interest regarding additional ones of said plurality of subjects;
 - encountering, through a short-range transmission device, a user having a second set of ratings for ones of said plurality of subjects;
 - receiving, through said short-range transmission device, ones of said second set of ratings; and
 - updating ones of said first set of ratings and ones of said first set of indications of interest by merging with corresponding ones of said second set of ratings.

In rejecting claim 10, the Examiner states:

As per independent claim 10, Prohel teaches: storing, on a portable computing device, a first set of ratings for ones of a plurality of subjects (paragraph 19-20, user history information editor to associate ratings and comments concerning digital content); encountering, through a short-range transmission device, a user having a second set of ratings for . . . (paragraph 28, review received digital content having associated user history information); receiving, through said short-range transmission device, ones of said second set of ratings (paragraph 28, review received digital content having associated user history information); and updating ones of said first set of ratings and ones of said first set of indications of interest by merging with corresponding ones of said second set of ratings (paragraph 30, aggregate ratings).

Prohel does not explicitly teach a first set of indications of interest regarding additional ones of said plurality of subjects and ones of said plurality of subjects. Weiner does teach these limitations (column 10-15, create new category, column 9, lines 6-14,

retrieve ratings/feedback) and (column 2, lines 54-column 3, line 7, providing ratings and feed back with regard to products and services based on communities) to enable users to receive ratings and feedback on products and services of interest at column 5, lines 5-10. It would have been obvious to one of ordinary skill in the art to modify Prohel and a first set of indications of interest regarding additional ones of said plurality of subjects and ones of said plurality of subjects

Office Action dated July 26, 2006, pages 6-7.

Applicants respectfully submit that neither Prohel nor Weiner nor their combination discloses or suggests a method for collecting ratings on a plurality of subjects that includes steps of storing “a first set of indications of interest regarding additional ones of said plurality of subjects” or “updating ones of said first set of ratings and ones of said first set of indications of interest by merging with corresponding ones of said second set of ratings”.

The various recitations in Weiner referred to by the Examiner do not describe storing a first set of indications of interest regarding additional ones of a plurality of subjects as recited in claim 10, nor do the references disclose or suggest “updating ones of said first set of ratings and ones of said first set of indications of interest by merging with corresponding ones of said second set of ratings”.

The Examiner refers to paragraph [0030] of Prohel, reproduced above, as disclosing “updating ones of said first set of ratings and ones of said first set of indications of interest by merging with corresponding ones of said second set of ratings”. Applicants respectfully disagree. As discussed above, paragraph [0030] recites only that a rating of digital content received by a user may be an aggregate rating based upon a weighted average rating of previous users. Prohel does not disclose or suggest updating stored ones of said first set of ratings and ones of a first set of indications of interest by merging with corresponding ones of a second set of ratings received through a short-range transmission device.

Claim 10, accordingly, also patentably distinguishes over the references and is allowable in its present form.

Claims 12 and 15-18 depend from and further restrict claim 10 and patentably distinguish over Prohel in view of Weiner, at least by virtue of their dependency. Furthermore, many of these claims recite additional subject matter that is not disclosed or suggested by the references, and thus patentably distinguish over the references in their own right as well as by virtue of their dependency. For example, as discussed previously, neither Prohel nor Weiner nor their combination discloses storing responses in a semantic tree network as required by claim 15, or summing collected responses in a semantic tree network as required by claim 16.

Independent claim 19 patentably distinguishes over Prohel in view of Weiner for similar reasons as discussed with respect to claim 10. Claims 20-21 and 24-26 depend from and further restrict claim 19 and also patentably distinguish over the cited art in their present form.

Therefore, the rejection of claims 1-12, 15-21, and 24-26 under 35 U.S.C. § 103(a) has been overcome.

III. 35 U.S.C. § 103, Obviousness (Claims 13-14 and 22-23)

The Examiner has rejected claims 13-14 and 22-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2004/0002920A1 to Prohel et al. (hereinafter “Prohel”) and U.S. Patent No. 6,631,184 B1 to Weiner (hereinafter “Weiner”) in view of U.S. Publication No. 2006/0156337 A1 to Thelen et al. (hereinafter “Thelen”). This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

As per claim 13, same as claim arguments above and Prohel and Weiner do not explicitly teach broadcasting a request for ratings. Thelen does teach this limitation (at paragraph 85 requesting ratings) to exert influence on the programs of other users in the community at paragraph 85, lines 1-4. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Prohel and Weiner with broadcasting a request for ratings to exert influence on the programs of other users in the community at paragraph 85, lines 1-4.

As per claim 14, same as claim arguments above and Prohel and Weiner do not explicitly teach the step of responding to a broadcast of a request for ratings. Thelen does teach this limitation (at paragraph 86 receiving ratings) to exert influence on the programs of other users in the community at paragraph 85, lines 1-4. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Prohel and Weiner with responding to a broadcast of a request for ratings to exert influence on the programs of other users in the community at paragraph 85, lines 1-4.

Claim 22 is rejected based on the same rationale as claim 13.

Claim 23 is rejected based on the same rationale as claim 14.

Office Action, dated July 26, 2006, pages 9-10.

Claims 13-14 and 22-23 depend from and further restrict claims 10 and 19, respectively. Thelen does not supply the deficiencies in Prohel and Weiner as discussed above. Claims 13-14 and 22-23, accordingly, patentably distinguish over the references at least by virtue of their dependency from allowable claims.

Therefore, the rejection of claims 13-14 and 22-23 under 35 U.S.C. § 103(a) has been overcome.

IV. Conclusion

It is respectfully urged that claims 1-26 as presented herein patentably distinguish over the cited references and that this application is now in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: October 20, 2006

Respectfully submitted,

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